

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

G.E.G.,

Plaintiff,

Case No. 1:10-cv-1124

v.

Hon. Janet T. Neff
U.S. District Judge

Eric K. Shinseki, Secretary,
DEPARTMENT OF VETERANS AFFAIRS,
A Federal Agency,

Defendant.

_____ /

DEFENDANT’S MOTION TO DISMISS

Defendant Eric K. Shinseki, as Secretary of the United States Department of Veterans Affairs (“VA”), moves pursuant to Fed. R. Civ. P. 4(a), 10(a), and 12(b)(1) for entry of an order dismissing Plaintiff’s claims against him. In support of his motion, Defendant states the following:

1. Contrary to Fed. R. Civ. P. 4(a) and 10(a), as well as Sixth Circuit law, Plaintiff filed a pseudonymous complaint without requesting permission from the Court or obtaining a protective order in order to do so.

2. Plaintiff’s alleged disability does not provide sufficient justification for him to overcome the presumption of openness in judicial proceedings and file a pseudonymous suit publicly accusing Defendant and other named individuals of employment discrimination.

3. Because Plaintiff did not file suit in his name or file a motion for permission to proceed under a pseudonym, he failed to commence an action and the Court lacks jurisdiction

over his Complaint. The Court should dismiss the Complaint with prejudice because an action is now time-barred.

4. Pursuant to LCivR 7.1(d), counsel for Defendant spoke with Plaintiff's counsel to request concurrence on June 27, 2011. Plaintiff does not concur.

5. This motion is supported by the attached brief.

Respectfully submitted,

DONALD A. DAVIS
United States Attorney

Dated: June 28, 2011

/s/ Ryan D. Cobb
RYAN D. COBB
Assistant United States Attorney
Post Office Box 208
Grand Rapids, MI 49501-0208
(616) 456-2404
Email: Ryan.Cobb@usdoj.gov